

Mark D. Eibert (Bar # 116570)  
Attorney at Law  
P. O. Box 1126  
Half Moon Bay, CA 94019-1126  
Telephone: (650) 638-2380  
Fax: (650) 712-8377

Attorney for: Defendant Daniel Rangel

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

DANIEL RANGEL,  
Defendant.

CR NO. 07-00788 JF (NJV)

(1) UNOPPOSED MOTION,  
(2) DECLARATION OF MARK D. EIBERT  
IN SUPPORT THEREOF, AND  
(3) [PROPOSED] ORDER TO WAIVE  
DEFENDANT'S PERSONAL  
APPEARANCE AT STATUS  
CONFERENCE

Date: August 13, 2008  
Time: 10:00 a.m.

I, Mark D. Eibert, declare as follows:

1. I am an attorney admitted to practice before the bar of this Court and the appointed counsel of record for defendant Daniel Rangel. If called as a witness, I could and would testify competently to the following.

2. This Court had originally set a status conference for August 6, 2008, in this multi-defendant case. The minutes indicate that at the time that status conference was set, "[t]he court waive[d] defendants appearances for status hearings."

1 3. The Court later reset the August 6 status conference on its own motion for August 13,  
2 2008. The Order did not specify that client appearances were waived.

3 4. Mr. Rangel is a truck driver who works throughout the United States, with the  
4 approval of Pretrial Services. He is currently on the East Coast, and expects to be in the Midwest  
5 on or about August 13. He would have to fly back for the hearing if his appearance is not  
6 waived. This will cost him work and income.

7 5. Other defendants are asking to have their appearances waived as well.

8 6. The U.S. Attorney handling this case, Mr. Nedrow, has graciously stated that he has no  
9 objection to Mr. Rangel's appearance being waived.

10 7. I therefore respectfully ask the Court to enter the Order below waiving Mr. Rangel's  
11 appearance at the August 13 status conference.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
13 August 4, 2008, in Half Moon Bay, California.

14 Respectfully submitted,

15  
16 /s/ Mark D. Eibert

17 MARK D. EIBERT  
18 Attorney for Defendant Daniel Rangel  
19

20 **ORDER**

21 Good cause appearing therefore, it is hereby ORDERED that defendant Daniel Rangel is  
22 excused from attending the August 13, 2008 status conference in the above case.

23 Dated: August <sup>8</sup>\_\_\_\_, 2008

24   
25 UNITED STATES MAGISTRATE JUDGE  
26 DISTRICT  
27  
28